



Hana Pa'a: Challenges and lessons for early phases of co-management



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ABSTRACT

This case study provides in depth analysis of an early phase of natural resources co-management, rule making. Co-management involves shared management responsibility between resource users or community groups and governmental agencies, and is recommended as a key management approach for nearshore marine resources. This article explores collaborative rulemaking based on traditional management practices for a small, rural nearshore Hawaiian fishery important for local subsistence. Legislation mandated the state of Hawai'i's natural resource management agency work with community residents to co-create and enforce rules for the fishery. By selecting a model case in which rule making has taken seven years longer than predicted, despite the presence of many established enabling conditions, this study elucidates new factors for consideration in early phases of co-management. These include legal uncertainty regarding statutory mandates, the role of bridging organizations in capacity building, cross-generational leadership development, and connection of the co-management rule-making process to the target geography. Through in depth analysis of a model collaborative rule making effort and the delays it faced, this research reveals new critical challenges while also offering suggestions to address them to build lasting collaborative capacity in other fledgling co-management efforts.

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1. Introduction

This research considers an early phase of natural resources co-management: collaborative creation of rules to govern a nearshore fishery. Co-management partnerships, involving shared management authority and responsibility between resource users or community groups and governmental agencies [1] are a recommended means of engaging local community groups and government agencies to manage nearshore marine resources [2–4]. Though understudied, initial stages of co-management are important because they can foreshadow long-term outcomes, such as ecological health and enhanced management capacity [5–9]. Co-management partnerships often fail to engage local resource users meaningfully or effectively at early enough phases of decision-making [10]. For example, community members might be asked to provide input on or help to implement already developed management plans [11], instead of actively participating in management plan creation.

Rulemaking is an especially important early phase of co-management because rules dictate how resource management

decisions will be made [12,13], as well as how partners interact with one another and with the natural resources they seek to manage [12]. While the finalized rules are clearly important, our focus here is how rulemaking occurs within a co-management partnership. Early collaborations that achieve specific goals, such as drafting a rules package, are thought to lead to enhanced capacity for future co-management endeavors when certain “success factors” are in place [14,8]. Success factors consistently identified in past studies include enabling legislation mandating collaboration, facilitation by a third party bridging organization, leadership capacity, and strong local-level relationships with marine resources [8,15,1,7] (see Table 1).

The purpose of this study is to focus on a model case in which all of the above success factors were in place: Ha'ena, a rural subsistence fishing community on the North West shore of the island of Kaua'i, Hawai'i. Ha'ena is one of only two Hawai'i communities legislatively mandated to collaborate with State resource management agencies to develop customarily based rules for coastal management, and the first whose rules have passed into law.² The Ha'ena process is a model for 19 other Hawai'i fishing

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¹ Mehana Blaich Vaughan completed all the primary data collection and analysis. She also had the primary role in writing.

² Ha'ena's rules were unanimously approved by the state Board of Land & Natural Resources on 10-24-2014 and currently await the Governor's signature to become law.

Table 1
Success factors' often described as necessary for implementing early phase co-management of nearshore marine resources.

Success factor	Reference(s)
Strong enabling legislation	[8,29]
Mandating early collaboration between government and community groups	[10]
Facilitation by a bridging organization	[1]
Leadership capacity	[30,15]
Prior relationships and trust between individual members of the partnership	[8]
Design of co-management to reflect customary systems	[2]

communities interested in co-managing coastal resources based on traditional and customary practices [16–18]. The Ha'ena community has persevered in the rulemaking process despite challenges that have progressively narrowed the scope of rules [19] and delayed rule adoption seven years longer than predicted. We address the following questions in the context of this Ha'ena case:

1. What challenges emerge in collaborative rulemaking for co-management of coastal resources?
2. How do these challenges both reinforce and question previously identified success factors for co-management?
3. What solutions does this case suggest for addressing these challenges in early phases of other co-management partnerships?

Through in-depth analysis of collaborative rulemaking in a model case, this research suggests the need to characterize challenges faced in early phases of co-management, along with potential solutions to address those challenges.

2. Theoretical framing and review of related literature

Collaborative partnerships, or co-management agreements, in which management authority and responsibility are shared between resource users or community groups and governmental agencies [1] are a recommended tool for sustainable management of nearshore marine resources [2–4]. Suggested advantages of shared authority include: learning and creative solutions generated by diverse partners [20]; integration of local knowledge [21]; decreased conflict and mistrust among stakeholders [20]; and increased community buy-in and stewardship leading to enhanced compliance [22,23]. Partnerships with government agencies can also strengthen local-level systems eroded by external stressors (e.g., economic shifts) [24,12] and internal pressures (e.g., changing community demographics and weakened communal norms of harvest) [25,11].

Early stages of co-management are crucial to building processes for adaptive learning, in which partners modify management strategies, policies, and even decision-making rules [6,1]. These modifications are adopted in response to external ecosystem feedbacks and generated through collaborative learning processes within the partnership [26,27]. Through adaptive learning, early phases of collaboration to achieve specific goals are expected to increase capacity for future success on broader endeavors [1,27].

Research identifies multiple “success factors” likely to foster effective, adaptive co-management [28,1], particularly of nearshore marine resources [7,21] (Table 1). These success factors include: strong enabling legislation [8,29] mandating early collaboration between government and community groups [10]; facilitation by a bridging organization [1]; leadership capacity [30,15]; prior relationships and trust between individual members of the

partnership [8]; and design of co-management to reflect customary systems [2].

While much literature assesses the presence or absence of these success factors [7,2], few studies discuss the processes underlying their establishment in early phases of co-management. This study addresses this gap in the literature by characterizing new critical challenge areas associated with success factors in early phases of co-management, while also offering solutions to address them.

3. Study site

As in other parts of the Pacific, management of nearshore coastal fisheries in Hawai'i has shifted from the local-level [31] to centralized government management [21]. Historically, traditional local-level resource management sustained healthy nearshore fisheries which were the primary source of protein for a population greater than that of Hawai'i today, on every island but O'ahu [32,31]. However, formal local-level rights to manage nearshore fisheries gradually eroded as Hawai'i became a territory of the United States, and management shifted to centralized control. Today, Hawai'i's State Department of Land and Natural Resources (DLNR) governs marine resources through its Division of Aquatic Resources (DAR) [33–35].³ In keeping with the renaissance of community based management in other parts of the Pacific [36,21] and in response to perceived declines in nearshore fisheries under state level management, residents of rural Hawai'i communities who depend on local marine resources for subsistence have advocated restoration of local management based on traditional and customary practices [37,33].

3.1. Community based subsistence fishing areas

Recognizing the effectiveness of traditional and customary Hawaiian management, and the ongoing importance of subsistence fishing in Hawai'i [38,32], Hawai'i enacted legislation in 1994 [39] allowing DLNR to designate community based subsistence fishing areas (CBSFAs) for “reaffirming and protecting fishing practices customarily and traditionally exercised for purposes of Native Hawaiian subsistence, culture, and religion” [39]. DAR manages Hawai'i fisheries using standard Western management tools (size, catch, and gear limits and seasonal fishing closures), rules that apply uniformly across the state though research shows that individual species reproduce at different times throughout the archipelago [37,33]. Achieving a CBSFA designation allows community members to assist DLNR in creating place-specific management strategies based on Native Hawaiian values and ancestral practices, “engaging communities in direct management of resources they depend on for survival” [33], (page 2). As one of only two Hawai'i communities to achieve a permanent CBSFA designation, and the first to work with DAR to co-create rules formally adopted as state law, Ha'ena is a precedent-setting case for at least 19 other Hawai'i communities, including three entire islands, pursuing co-management of local fisheries [18,33].

“Ha'ena is important because they are going to set the precedent for how (co-management of inshore fisheries) might happen in the

³ DLNR's Division of Aquatic Resources (DAR) manages Hawai'i fisheries using standard Western management tools: size, catch, and gear limits and seasonal fishing closures (Haw. Rev. Stat. § 187A-2 (5, 8) (2005), Haw. Code. R. §§ 13-49 to -52 (2008), available at http://hawaii.gov/dlnr/dar/admin_rules.html). These rules apply uniformly across the state though research shows that individual species reproduce at different times throughout the archipelago (Poepoe et al. [37], Higuchi [33]).

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